

1. Requested Motion:

Meeting Date: December 6, 2010

Adopt ordinance 10-10, adoption of Fort Myers Beach Code of Ordinances

Why the action is necessary:

The Fort Myers Beach Code of Ordinances needs to be adopted by ordinance.

What the action accomplishes:

Codifies the Town ordinances.

2. Agenda:

☐ Consent
☒ Administrative

3. Requirement/Purpose:

☐ Resolution
☒ Ordinance
☐ Other

4. Submitter of Information:

☐ Council
☐ Town Staff
☐ Town Attorney

5. Background:

In 2007, the Town contracted with Municipal Code Corporation to codify the Town's ordinances. We have finalized the process and are in receipt of the printed books. This ordinance was introduced on October 18, 2010 at which time Town Council moved it to final public hearing on November 1, 2010. On November 1, 2010 this item was continued to the December 6, 2010 meeting.



We are required to adopt the code by ordinance.

6. Alternative Action:

Continue the public hearing to another date and time certain, or do not adopt the ordinance.

7. Management Recommendations:

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other

ORDINANCE NO. 10-10

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF CERTAIN ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA; REPEALING ALL ORDINANCES THAT ARE INCONSISTENT THEREWITH AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR A PENALTY FOR VIOLATION OF THE CODE OF ORDINANCES; PROVIDING FOR THE MANNER OF AMENDING THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The Code entitled "Code of Ordinances, Town of Fort Myers Beach, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 32, each inclusive, is hereby adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before August 2, 2010, that are inconsistent with any provision of the Code of Ordinances are hereby repealed as of the effective date of this Ordinance, provided, however, that the enactment of the Code of Ordinances shall not be construed to affect a right or liability accrued or incurred under any ordinance in effect prior to the effective date of this ordinance, or any action or proceeding for the enforcement of such right or liability.

Section 3. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code of Ordinances or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding sixty (60) days, or by both fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amending ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 4. Additions or amendments to the Code of Ordinances when passed in such form as to indicate the intention of the Town Council to make the same a part of the Code of Ordinances shall be deemed to be incorporated in the Code of Ordinances, so that reference to the Code of Ordinances includes the additions and amendments.

Section 5. Ordinances adopted after August 2, 2010 that amend or refer to ordinances that have been codified in the Code of Ordinances shall be construed as if they amend or refer to like provisions of the Code of Ordinances.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption by the Town.

The foregoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor
Tom Babcock
Alan Mandel

Bob Raymond, Vice Mayor
Jo List

DULY PASSED AND ADOPTED THIS 6th DAY OF DECEMBER 2010, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

ATTEST:

By: _____
Larry Kiker, Mayor

By: _____
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: _____
FOWLER WHITE BOGGS, Town Attorney